

NOTE: Amendments to this ordinance adopted on April 6, 2004 appear in bold text under Article I, Sec. 66-4 and Article VI, Sec. 66-181.

Chapter 66

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Any changes in or additions to this document differing from the original it represents (on file in the office of the Stephens County Board of Commissioners) do not amend nor supersede the original.

ARTICLE I
SHORT TITLE, PURPOSE AND INTENT

Sec.66-1. Short Title. This chapter shall be known and may be cited as the "Land Development Standards of Stephens County, Georgia." The land development standards may be referred in this chapter as the subdivision regulations.

Sec. 66-2. Purpose and Intent. This chapter is enacted, for the following purposes:

- (1) To encourage economically sound and stable land development;
- (2) To assure the provision of required streets, utilities, and other facilities and services to land development;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;
- (4) To assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes; and
- (5) To assure equitable handling of all development of land by providing uniform procedures and standards for observation and enforcement of standards both by the developer and local public bodies.

Sec. 66-3. Highest Standard to Apply. Whenever the provisions of this chapter and those of some other ordinance or resolution or statute apply to the same subject matter, that ordinance, resolution or statute requiring the highest, or most strict, standard shall govern.

Sec. 66-4. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meaning given in this section, except where the context clearly indicates a different meaning. Terms not defined in this chapter shall have their customary dictionary definitions where not inconsistent with the context.

Administrative officer means the representative (or representatives) appointed by the board of commissioners being assigned to the responsibility for administering this chapter. The office of administrative officer shall act as staff to the board and shall be given full responsibility for receiving applications, fees, and filings from developers and citizens and shall report to the board the status of various proposals.

Block corner means the corner of any subdivision block where two streets intersect, halfway of any cul-de-sac, or the intersection of the back lot lines of a subdivision which define the outside limits of the subdivision at points having a change of direction greater than 75 degrees.

County means the unincorporated area of Stephens County, Georgia.

Lot means a portion or parcel of land separated from other portions of parcels by description as on a subdivision plat or record survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this chapter, the term does not include any portion of a dedicated right-of-way, or land subdivided to achieve a boundary adjustment with adjoining property.

Street means a way for vehicular traffic, whether designated as an avenue boulevard, road, highway, expressway, lane, alley, **public or private easement**, or other way. For the purpose of the chapter, streets are divided into the following categories:

- (1) *Rural Principal and Minor Arterial.* Those streets designated as such on Major Thoroughfare Plan of Stephens County.
- (2) *Rural Major and Minor Collector.* Those streets serving travel of intra-county linking and rural arterial system.
- (3) *Rural Local Routes.* Those streets used primarily for access to the abutting properties and serving minor travel demands
- (4) *Alley.* A minor way used for service access to the back or side of properties otherwise abutting on a street.

- (5) *Cul-de-Sac*. A residential street with only one outlet and a turn around at the closed end, sometimes called a dead-end street.
- (6) *Marginal Access Street*. A residential street parallel and adjacent to major thoroughfares and which provides access to abutting properties with protection from through traffic.

Subdivider means the person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this chapter, or the authorized agent of such person, firm or corporation for the purpose of proceeding under this chapter.

Subdivision means all divisions of a tract or parcel of land in five or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development. **Such definition includes all such** division of land involving a new street or a change in existing streets, and includes re-subdivision and , where appropriate to the context, relates to the process of subdividing or to the land or area subdivided: Provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter:
- (2) The division of land where no new street or change in existing street is involved.
- (3) **All divisions of a tract or parcel of land in fewer than five (5) lots.**
- (4) **Any division where the lots created are all fronting on and have direct access to an existing county road.**
- (5) **A bona fide intra-family transfer between family members where the purpose of such transfer or transfers is not development or sale to unrelated third parties. By way of example, a transfer to family members by will or intestate succession would not constitute a "subdivision" within the meaning of this chapter.**

ARTICLE II

PLATTING JURISDICTION AND ENFORCEMENT

Sec. 6-41. Platting Authority. The board of commissioners shall be the official platting authority, and no plat of land subdivision shall be entitled to record in the office of the clerk of the superior court of the county nor shall a certificate of approval be granted in accordance with the Georgia Land Sales Act (O.C.G.A. 44-3-1 et seq.) unless it shall have the approval of the board inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the board as required by this article is declared to be a violation of this article.

Sec. 66-42. Use of Plat. The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other uses referred by the board of commissioners of a plat of a subdivision that has not been given final approval by the board and recorded in the office of the clerk of superior court of the county under the Georgia Land Sales Act (O.C.G.A. 44-3-1 et seq.) if required, is prohibited, and description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Sec. 66-43. Opening and Improving Public Streets. The board of commissioners shall not accept, lay out, open, improve, grade, pave, or light any street or lay any utility lines in any street which has not attained the status of a public street prior to the effective date of this ordinance, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the board.

Sec. 66-44. Erection of Buildings. No building permit shall be issued and no building shall be erected on any subdivision lot in the county unless the lot abuts a public street or has access thereto or unless the lot abuts a private road approved by the board of commissioners.

ARTICLE III

PROCEDURE FOR APPROVAL OF PLAT

Sec. 66-71. Pre-application Review. Whenever the subdivision of a tract of land within the county is proposed, the subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for pre-application review and no formal application shall be required.

Sec. 66-72. Application for Plat Approval. The subdivider shall submit to the board of commissioners the following:

- (1) A letter requesting review and approval of a plat and giving the name and address of a person to whom the notice of the hearing by the board on the plat shall be sent.
- (2) Two copies of the plat and other documents, as may be specified.
- (3) A Plat Application fee as set by the board of commissioners.

Sec. 66-73. Review of Plat. The chairman of the board of commissioners or the administrative officer shall check the plat for conformance to the rules and regulations of this article and report his findings and recommendations to the board, which shall approve or disapprove the plat at the next scheduled board meeting. A notation of the action shall be made in the minutes of the board including a statement of the reasons for disapproval if the plat is disapproved. One copy of the plat shall be returned to the subdivider or his agent and one copy added to the records of the board.

Sec. 66-74. Plat Specifications. The plat shall conform to the following specifications and contain the required information:

- (1) *Specifications.*
 - a. *Scale.* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 200 feet to one inch.

- b. *Sheet Size.* Sheet size shall be no larger than 17 inches in width or 22" in length. If the complete plat cannot be shown on one sheet, it may be shown on more than one sheet with an index map on a separate sheet.
- c. *Ground Elevations.* A contour map of the proposed subdivision will be required if the topography of the land is such that in the opinion of the administrative officer there will be a drainage problem in the subdivision which would require a contour map to develop a proper drainage system. If a contour map is required it shall be based on the following criteria:
 - 1. For land that slopes less than approximately 2 percent, elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions;
 - 2. For land that slopes more than approximately 2 percent, contours shall be shown with an interval of not more than 20 feet.

(2) *Information to be provided on plat.* The plat shall contain the following information:

- a. Name and address of owner of record and of subdivider.
- b. Proposed name of subdivision and its acreage.
- c. North point and graphic scale and date.
- d. Acreage of the subdivision and vicinity map showing location.
- e. Exact boundary lines of the tract by bearing and distances.
- f. Names of owners of record of adjoining land.
- g. Existing boundary lines of the tract by bearing and distances.
- h. Proposed layout including streets and alleys with proposed street names, lot lines and approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposed other than single-family dwellings.
- i. Block number and lot numbers.

- j. Provisions of water supply, sewerage and drainage.
- k. Such street cross sections and centerline profiles as may be required by the board.
- l. Provisions for open space requirements.
- m. The following certifications must be affixed before recording.
 - 1. *Certificate of Dedication.* A certificate of dedication by the owner submitted with the plat and in such form as approved by the county attorney which sets forth the description of the areas and improvements dedicated by the owner to the public and the extent of title which is being dedicated.
 - 2. *Copy of Official Action of Board.* A copy of the resolution adopted by the board accepting the streets, improvements, easements and any other property dedicated by the owner for public use as indicated on the plat, shall be attached to the plat before recording. This acceptance does not relieve the contractor of the obligation to guarantee against faulty materials as specified in section 66-149.
 - 3. *A Certificate of Approval of the Final Plat.* A certificate of approval of the final plat by the board, directly on the plat as follows: "Pursuant to the Land Development Standards of Stephens County, Georgia, all requirements of approval having been fulfilled, this plat was given approval by the Stephens County Board of Commissioners (insert the date of approval)."

Date

Chairman, Stephens County
Board of Commissioners

ARTICLE IV

GENERAL DESIGN AND OTHER REQUIREMENTS

Sec. 66-101. Suitability of the Land. Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue to increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected.

Sec. 66-102. Name of Subdivision. The name of the subdivision must have approval of the board of commissioners. The name shall not duplicate or closely approximate the name of an existing subdivision.

Sec. 66-103. Access. Access to every subdivision shall be provided over a public road or an approved private road. All private roads must meet specifications for a public road and must be inspected and approved by the board of commissioners. If in the future the county is requested to accept such roads, said roads must meet all county specifications enforced at the time they are to become public roads.

Sec. 66-104. Conformance to Adopted Major Thoroughfare and Other Plans. All streets and other features of the major thoroughfare plan of the county shall be platted by the subdivider in the location and to the dimension indicated on the major thoroughfare plan adopted by the board of commissioners. When features or other plans adopted by the board such as schools or public building sites, parks, or other land for public uses are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acceptance or acquisition within a reasonable time by the appropriate public agency, Whenever a plat has proposed the dedication of land to public use that the board finds not required or the land not suitable for such public use, the board shall refuse to approve the plat and shall notify the subdivider of the reasons for such action.

Sec. 66-105. Large-scale Developments. A comprehensive group development including large-scale construction of housing units together with necessary drives and ways of access may be approved by the board of commissioners although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from this article can be made without destroying its intent, and if substantial evidence can be provided demonstrating the acceptable performance of the non-conformance.

Sec. 66-106. Easements. Easements shall be provided as required by utility companies for utility lines, underground mains and cables and shall be recorded on the final plat. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm-water or drainage right-of-way of adequate width to be reserved as open space. Parallel streets may be required by the board in connection therewith.

Sec. 66-107. Reservation of Public Sites and Open Spaces.

(a) Where features of any comprehensive plan, such as school sites, parks, playgrounds and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider, provided, however, that no more than twenty-five percent of the total area of the subdivision shall be required for reservation to fulfill the requirements of this section. Whenever the land required for such comprehensive plan features is not dedicated to and accepted, purchased, acquired, optioned, or condemned by the appropriate public agency within a four-year period from the date of recording the subdivision or by the time that at least 75 percent of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider, subject to provisions of this article. Whenever the board of commissioners executes a written release, stating that the reserved land is not to be acquired, the board shall waive the reservations requirements.

(b) The board of commissioners shall not approve a plat when such planned features, as specified by the comprehensive plan, are not incorporated into the plat.

(c) Whenever the board of commissioners finds that proposed reservation of land or dedication of land for public use is not required or is unsuitable for the public use proposed, it may require the arrangement of lots to include such land in the subdivision.

Sec. 66-108. Community Assets. In all subdivisions, due regard shall be shown for all natural features such as trees 15 inches or more in diameter, and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property or community.

ARTICLE V

REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Sec. 66-141. Speed Design. All streets shall meet a 40 mile per hour speed design minimum as outlined in AASHTO's Policy on Geometric Design of Highways and Streets. Maximum degree of curve of 11 with a maximum percent grade of eight percent, a minimum stopping distance 275 feet, a lane width ten feet or 12 feet with minimum width of shoulders at five feet, and a right-of-way width of 60 feet to 80 feet shall be required.

Sec. 66-142. Continuation of Existing Streets. Existing streets shall be continued with a road bed (shoulder to shoulder) of 30 feet or 34 feet width, but in no case less than the 30-foot roadbed for 20-foot paving or 34-foot roadbed for 24-foot paving width required in this article.

Sec. 66-143. Street Names. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix "street", "avenue", "boulevard", "drive", "place", "way", or "court". Where available, through its index list of street names on file, the board of commissioners can assist the subdivider in avoiding duplication.

Sec. 66-144. Street Jogs. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

Sec. 66-145. Cul-de-sacs or Dead-end Streets.

(a) Minor streets or courts designed to have one end permanently closed shall be provided with a turnaround at the closed end. The turnaround must be paved to 65 feet in diameter.

(b) Where in the opinion of the board of commissioners it is desirable to provide street access to adjoining property, streets shall be extended to the boundary of such property and provided with a temporary turnaround.

Sec. 66-146. Development Along Major Thoroughfares, Limited Access Highway or Railroad Right-of-way. Where a subdivision abuts or contains a major thoroughfare, a limited access highway, or a railroad right-of-way, the board of commissioners may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation suitably platted. Due regard shall be given to requirements for approach grades and future grade separations in determining distances. Lots shall have no access to a major thoroughfare (or limited access highway) but only to access streets.

Sec. 66-147. Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments but shall not be provided in one and two family residential developments unless the subdivider provides evidence satisfactory to the board of commissioners of the need for alleys.

Sec. 66-148. Street Right-of-Way Widths and Construction Requirements.

- (a.) *Width.* The right-of-way shall be the distance across a road or street from property line to property line. The minimum right-of-way width shall be 80 feet, except in subdivisions where both water and sewer lines are available and the road will be paved in which case the minimum right-of-way width shall be 60 feet.
- (b.) *Grade.* A minimum of roadway to be graded shall be 30 feet for 20-foot pavement and 34 feet for 24-foot pavement. All stumps, rock and other obstructions shall be removed to at least two feet below subgrade. The maximum grade shall not exceed eight percent. Roads shall be paved with triple surface treatment using stone sizes 5, 7, 8, 9 or plant mix; minimum thickness for plant mix shall be two-inch compacted. New subdivision roads leading from existing public dirt roads shall meet all standards including paving. All paving required hereunder shall be in accordance with Georgia Department of Transportation standards.
- (c.) *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches, or any other places as needed. The fills shall be spread in layers not to exceed 12 inches loose and compacted to conform with a sheep's foot roller. Fill slopes shall not exceed a 2 to 1 slope.
- (d.) *Subgrade.* The subgrade shall be properly shaped, ditch lines sloped and compacted to conform with grade lines, and cross sections and shall have crown of a fourth-inch per foot. All unsuitable materials shall be excavated and replaced with suitable material properly compacted at 95 percent.

- (e) *Base.* The base shall be a graded aggregate base course of 1 1/2 inches and down crusher run or other approved material such as top soil. Base cross slopes shall be a fourth-inch per or meet the state department of transportation standards for super elevation in curves. The minimum thickness shall be six inches after being compacted to 98 percent compaction.
- (f) *Shoulder Cross Slopes.* Shoulder cross slopes shall be one inch per foot except in super elevated curves. Curve cross slopes shall meet state department of transportation standards.
- (g) *Storm Drainage.* The street and roadway must have adequate drainage, including necessary open ditches, pipe, and culverts; intersectional drains shall be provided to accommodate all natural water flow and to be of sufficient length to permit full roadway width slopes. The diameter of pipe shall be based on water flow, but in no case shall it be less than 15 inches or "Type B" pipe shall be used in all stream crossings, and rip rap used at each end to prevent erosion.
- (h) *Erosion Control.* All banks and ditch slopes shall be grassed to prevent washing. Silt fence or hay bales shall be used during construction at all places that pose an erosion problem.
- (i) *Underground Utilities.* All underground utilities shall be installed after the grading has been completed but before the base is installed.
- (j) *Roadway Signs.* All street signs, stop signs, curve signs, and speed limit signs shall be placed by the developer prior to accepting the roadway. Signs shall be in accordance with GMUTCD published by the state department of transportation.
- (k) *Water line.* All subdivisions shall include a minimum six-inch water line with fire hydrants located every 1,000 feet. Material shall meet the City of Toccoa's specifications for water lines.

Sec. 66-149. Guarantee Against Faulty Materials. Final approval of street improvements shall be granted and streets accepted for maintenance by the county only in accordance with one of the following provisions:

- (1) The street improvements shall have completed and in place for a period of one year and shall, upon inspection, following such period of time, be found to be free from defective workmanship or material and free from sinkholes or other settling.
- (2) Following otherwise satisfactory completion of such work, the subdivider shall post with the county a guaranty bond in an amount equal to ten percent of the street and utility improvement cost for the street for which acceptance is sought. The bond will guarantee the county that the street has been installed in a workman-like manner, that same is free from defects caused by faulty material or workmanship, and that the street will remain in acceptable condition for a period of at least one year. The board of commissioners may also authorize cash bonds of ten percent of the street and utility cost in lieu of guaranty bonds. If at the end of the one-year period, the street is found to have settled or to be otherwise unacceptable because of faulty workmanship or materials, any defects shall be repaired at the cost of the subdivider up to the amount of the guaranty bond, and upon his failure or refusal to do so within ninety (90) days after demand is made upon him by the board, then the County shall make such repairs as are reasonably necessary and recover the cost thereof.

ARTICLE VI

DESIGN STANDARDS FOR BLOCKS AND LOTS

Sec. 66-181. Lot Sizes and Proportions.

- (a) Residential lots shall meet the lot width and lot area requirements of any existing zoning ordinance and/or those specified for lot size based on slope.

- (b) Lot size requirements are as follows for single family dwellings including but not limited to: manufactured or mobile homes, stick built homes, modular homes, etc., and individual lots in subdivisions or mobile home lots located in areas other than commercial mobile home parks. Area requirements for multiple dwellings on a single recorded lot, where not prohibited by local zoning, must be provided in multiples of the following minimum lot sizes for each dwelling to be constructed on the recorded lot. See Table MT-1 and its subparagraphs below.

Table MT-1

Minimum (Min) Lot Sizes, Minimum Lot Widths and Maximum (Max) Allowable Sewage Flow for the type of Water Supply System.

	Type of Water Supply System	
	Non-public (individual)	Public
Min Lot Size	43,560 sq. ft.	43,560 sq. ft.
Min Lot Width	150 ft.	100 ft.
Max Sewage Flow	600 gpd**	1200 gpd

In the context "non-public" means an individual water supply system or any other water supply system which is not a "public" water supply system. **gpd = gallons per acre per day = gal/ac/day.

Effective September 1, 2004: Minimum lot size may be reduced to .75 acre where both public sewerage and public water are available.

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- (i) The above minimum lot sizes are for the typical size home (3 or 4 bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an onsite sewage management system, the County Board of Health will require larger lots to assure useable soil area.
- ii) The County Board of Health may also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slopes greater than five percent

(5%), percolation rates higher than forty-five (45) minutes per inch, need for subsurface drainage or adverse topographic features.

- iii) Lots shall be a minimum width of one hundred feet (100') or one hundred fifty feet (150') measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system respectively.
- iv) All residential lots must contain at least 21,780 square feet of usable soil area for individual sewage disposal.
- v) There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent County zoning setbacks and other space requirements must also be met.
- vi) The maximum daily sewage flow for each lot or parcel of land shall not exceed six hundred (600) gpad when served by a non-public or individual water supply system or 1200 gpad when served by a public water supply system. When sewage flows exceed these quantities (600 or 1200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionately.

Example: Assume a public water supply exists (so 1200 gpad maximum sewage flow allowed per minimum require land area of 21,780 square feet), and there is a proposed sewage flow of 5,000 gpd. To determine X= the square footage of the lot needed, use the following formula:

$$X = \frac{5,000 \text{ gal/day}}{1200 \text{ gal/ac/day}} \quad X = 4.17 \text{ acres}$$

multiplied by 43,560 sq. ft/acre $X = 181,500 \text{ sq.ft. area of land needed}$

Likewise, for a non-public (individual) water supply, to determine Y= the square footage of the lot needed for a proposed sewage flow of 5000 gpd, use the following formula:

$$Y = \frac{5,000 \text{ gal/day}}{600 \text{ gal/acre/day}} \quad Y = 8.33 \text{ acres}$$

multiplied by 43,560 sq. ft/acre **Y= 363,000 sq.ft. area of land needed**

- (c) Commercial and industrial lots shall be adequate to provide service area and off-street parking suitable to the use intended.
- (d) Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.
- (e) The minimum setback for buildings shall be thirty (30) feet from right-of-way lines and a minimum of ten (10) feet from the side property line.

Sec. 66-182. Adequate Building Sites. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this article and any existing zoning ordinance as is appropriate.

Sec. 66-183. Lot Line Arrangements. In so far as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for at least 20 feet upon or have access to a dedicated public street or road.

Sec. 66-184. Panhandle or Flat Lots. Panhandle or flat lots, of required width and area may be allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 20 feet wide. Not more than two such panhandle access points shall abut each other, and if so combined, the width of each panhandle may be reduced to not less than 15 feet. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other provisions of this article (illustration 1) [see original document for illustration].

Sec. 66-185. Sidewalks, Curbs and Gutters.

- (a) *Sidewalks.* This specification does not apply to second home-type developments that do not have locally centralized public facilities such as schools, churches, etc. The board of commissioners shall have final authority in determining the need for sidewalks.
- (b) *Concrete Curb & Gutter.* Curb and gutter may not be required on all developments provided the developer furnishes proof satisfactory to the board of commissioners that all grades on his road and road ditches will be stabilized without the use of curb and guttering. In lieu of curb and guttering, the developer may stabilize road ditches by paving or by rock check dams or by methods approved by the board.

ARTICLE VII
REQUIRED IMPROVEMENTS

Sec. 66-221. Performances and Specifications. Every subdivider shall be required to make the improvements outlined in this article in accordance with the specifications herein or otherwise adopted by the board of commissioners. The improvements can be made by the county at the expense of the subdivider or the subdivider can make the improvements with the specifications herein or otherwise adopted by the board.

Sec. 66-222. Monuments. Lot and block corners shall be marked with solid steel rods not less than five-eighths inch in diameter and 24 inch in length and driven so as to be flush with the finished grade.

Sec. 66-223. Water Supply System. Water mains within the subdivision must be provided with connections to each lot if a community or public water system is available unless the City of Toccoa has indicated in writing to the board of commissioners its

willingness to bore under the pavement for water and sewer connections. Minimum diameter of water pipes shall meet the standards of the City of Toccoa. If a municipal water supply is not available to the subdivision, the developer should provide an adequate water source and an adequate water storage facility. This shall be accomplished by the use of individual wells for each housing unit or by a community water system. Individual wells are the responsibility of the lot purchaser; however, the community (subdivision) water system shall meet the standards of the state department of natural resources, environmental protection division and a letter of approval from the environmental protection division shall be attached to the final plat when it is filed in the office of the clerk of court.

Sec. 66-224. Sanitary Sewers. If the sewage disposal facilities cannot be connected to a trunkline sewer at the time of the development of the subdivision, septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider or lot purchaser for interim use, in conformity with the requirements of the county health department. No private community systems shall be permitted.

ARTICLE VIII VARIANCES

Sec. 66-261. Hardship. Where the board of commissioners finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topography or other conditions beyond the control of the subdivider upon due consideration, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, however, that such variance will not have the effect of nullifying the intent or purpose of these regulations. Any variance thus authorized is required to be entered in writing in the minutes of the first board meeting following issuance of the variance and the reason which justified the departure set forth.

Sec. 66-262. Experimental Subdivisions. The board of commissioners may waive, vary, or modify the standards and requirements of these regulations if, in its judgement an unusual or experimental subdivision might prove of considerable merit toward the use of unusual materials in constructing required improvements, or a new or untried design concept in the area which appears promising. Special attention may be given to experimental subdivisions which are related to low cost housing design in an effort to provide housing for lower income families. The board shall require the subdivider to provide a written proposal stating the nature of the experiment, and cost-benefit study following the implementation of same.

Section 263. Comprehensive Group Housing Development. A comprehensive group housing development to be constructed on a plot of ground of at least four acres, including construction of two or more buildings, together with the necessary drives and access ways, and which is not subdivided into the customary lots, blocks and streets, may be approved by the board of commissioners if, in the opinion of the board, departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to the board whether or not such plat is to be recorded. No sales permits shall be issued until such approval has been given.

Sec. 66-264. Conditions. In granting variances, modifications, and approval for experimental subdivisions, the board of commissioners shall require such conditions as will in its judgement, secure substantially the objectives of the standard or requirements so varied, modified, or approved. They shall include without being limited to personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.

Sec. 66-265. Justification for Variances. The burden of proof and/or justification of a need for a variance from these standards shall be provided by the developer in the form of written documents and/or supporting graphics. The appropriate request for variance forms must be completed and attached. No variances shall be permitted which would

nullify the intent of these standards and the adopted policies of the board of commissioners